

Aaron Kaufmann, Cal. Bar No. 148580  
David Pogrel, Cal. Bar No. 203787  
HINTON, ALFERT & SUMNER  
1646 North California Boulevard, Suite 600  
Walnut Creek, California 94596  
Telephone: (925) 932-6006  
Facsimile: (925) 932-3412

Richard J. (Rex) Burch (admitted *Pro Hac Vice*)  
BRUCKNER BURCH PLLC  
1415 Louisiana, Suite 2125  
Houston, Texas 77002  
Telephone: (713) 877-8788  
Facsimile: (713) 877-8065  
Attorneys for Plaintiff and Proposed Putative Class

Cindi L. Pusateri (CA State Bar No. 216899)  
cpusateri@meyerwhite.com  
Hien Nguyen (CA State Bar No. 229794)  
hnguyen@meyerwhite.com  
MEYER WHITE LLP  
600 Wilshire Blvd., Suite 960  
Los Angeles, California 90017  
Telephone: (213) 330-1760  
Facsimile: (213) 330-1759

Theodore ("Ted") D. Meyer (admitted *pro hac vice*)  
tmeyer@meyerwhite.com  
Julia Lynn Nye (CA State Bar No. 160092)  
jnye@meyerwhite.com  
MEYER WHITE LLP  
600 Travis Street, Suite 900  
Houston, Texas 77002  
Telephone: (713) 951-1400  
Facsimile: (713) 951-1499  
Attorneys for Defendants Lennar Associates Management, LLC  
and Lennar Corporation dba Lennar Homes

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ERIC GUNDERSEN, on behalf of himself  
and all others similarly situated,

Plaintiff,

v.

LENNAR ASSOCIATES MANAGEMENT,  
LLC; LENNAR CORPORATION dba  
LENNAR HOMES, and DOES 1 - 10,  
inclusive,

Defendants.

Case No. C-09-2270 CRB

STIPULATED MOTION [AND  
~~PROPOSED~~ ORDER] TO STAY  
PROCEEDINGS

Honorable Charles R. Breyer

1 Subject to the approval of the Court, Plaintiff Eric Gundersen (“Plaintiff”) and defendants  
2 Lennar Associates Management, LLC, and Lennar Corporation dba Lennar Homes (“Lennar” or  
3 “Defendants”), through their respective counsel of record, hereby stipulate to a stay of all  
4 proceedings, as set forth below, and they show the following:

5 1. The parties attended mediation with David Rotman in March 2010, and they have  
6 been negotiating settlement in good faith since then. The parties have reached a tentative  
7 agreement on several terms for settlement, including confidentiality. The parties believe that a  
8 brief stay of proceedings will assist them in focusing on finalizing proposed settlement terms and  
9 will help mitigate against incurring unnecessary legal fees and costs.

10 2. This lawsuit was filed on April 20, 2009.

11 3. No trial date has been set in this matter, and this matter has not previously been  
12 stayed.

13 4. Four motions are currently pending and set for hearing on November 12, 2010.  
14 See D.E. 139, Order Resetting Hearings to November 12, 2010. Those hearings are: (1)  
15 Plaintiff’s motion for leave to file an amended complaint to add FLSA claims, (2) Plaintiff’s  
16 motion for conditional certification and notice under the FLSA, (3) Lennar’s motion to deny class  
17 certification under Rule 23 of the Federal Rules of Civil Procedure, and (4) Plaintiff’s motion to  
18 dismiss Lennar’s Counterclaim. [D.E. #46, 59/61, 100, and 132, respectively].

19 5. No other deadlines or events are scheduled in this matter.

20 6. The parties respectfully request that the motions set for hearing on November 12,  
21 2010 be stayed and that the November 12 hearings be removed from the Court’s schedule. The  
22 parties also request that the November 12th date be reserved for an uncontested Plaintiff’s Motion  
23 for Preliminary Approval of Class/Collective Action Settlement. If the parties are unable to  
24 finalize their proposed settlement and present it to the Court in time for the November 12th  
25 hearing, they will seek to reschedule the four contested motions for hearing as soon as possible  
26 thereafter.

27 7. The parties further request that this case be stayed in its entirety, under the  
28 following additional terms:

a. The case will be completely stayed, including issuance of any notices of this lawsuit to potential putative class members, until and including November 12, 2010 (the “Stay”);

b. All discovery will be stayed until November 12, 2010 and no discovery will be sent during the period of the Stay, including notices of deposition;

c. All motion amendment/supplementation, response, and reply deadlines associated with the motions currently set for hearing on November 12, 2010 shall be vacated and will be established, as per the Federal Rules of Civil Procedure and local rules of this Court, based on the new hearing date; and

d. No motions to compel or other motions or requests for relief shall be filed during the period of the Stay, except for (i) motions to enforce or extend this Stipulation, (ii) motions for review and approval of settlement (including motions to submit a proposed agreement in camera or under seal), or (iii) motions for protection to protect confidentiality associated with the proposed settlement.

e. The tolling agreement memorialized in paragraph 2 of the Court’s July 22, 2010 Order (D.E. 139) remains in effect and the statute of limitations on Plaintiff’s proposed claim for unpaid overtime under the Fair Labor Standards Act, 29 U.S.C. §201 et. seq., is tolled for the period from and including August 20, 2010 to and including November 12, 2010. No claims shall be revived with respect to which the statute of limitations had already run as of August 20, 2010.

8. This brief stay is sought for purposes of judicial economy and not for any undue delay or improper purpose.

Dated: September 15, 2010

Respectfully submitted,

Bruckner Burch PLLC

By: /s/ Richard J. (Rex) Burch  
 Richard (“Rex”) J. Burch  
 Counsel for Plaintiff  
 ERIC GUNDERSEN

1  
2 Dated: September 15, 2010

MEYER WHITE LLP

3 By: /s/ Cindi L. Pusateri

4 Cindi L. Pusateri

5 Counsel for Defendants LENNAR ASSOCIATES  
6 MANAGEMENT, LLC and Defendant LENNAR  
7 CORPORATION dba LENNAR HOMES  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The hearings set for November 12, 2010 are vacated, and a stay of proceeding is entered in accordance with the parties' stipulation set forth above.

Dated: September 12, 2010

